

increased by more than 50 percent, from 43 to 67. That means there are not enough judges to handle the overwhelming number of cases in many of our Federal courtrooms. Additionally, the number of Federal court vacancies deemed to be “judicial emergencies” by the nonpartisan Administrative Office of the U.S. Courts has increased by 158 percent since the beginning of the year. There are now 30 judicial emergency vacancies that are affecting communities across the country.

The Leadership Conference on Civil and Human Rights recently issued a memorandum documenting the real life impact of the Senate Republicans’ obstruction on the judicial confirmation process. Three States where communities are most hurt are Texas, Alabama, and Florida. Texas, for example, has nine judicial vacancies—with seven of them deemed to be judicial emergencies. Incredibly, one of the district court positions has been vacant for over 4 years, and a fifth circuit position in Texas has been vacant for more than 3 years. The memorandum reports that, in the Eastern District of Texas, the delays caused by the vacancy in that court has placed greater pressure on criminal defendants to forego trials and simply plead guilty to avoid uncertain and lengthy pretrial detentions. That is not justice.

Similarly, Alabama has five current vacancies that remain unfilled, and Florida has three. These rising vacancies are leading to an unsustainable situation in too many states. As Chief Judge Federico Moreno of the Southern District of Florida noted, “It’s like an emergency room in a hospital. The judges are used to it and people come in and out and get good treatment. But the question is, can you sustain it? Eventually you burn out.”

I urge the majority leader to schedule votes for the 14 other consensus judicial nominees on the Executive Calendar without further delay. If the Republican obstruction continues and if home State Senators cannot persuade the majority leader to schedule a vote for their nominees soon, then it is unlikely that even highly qualified nominees with Republican support will be confirmed by the end of the year. These are nominees that members of the leader’s own party want confirmed. Let us work together to confirm nominees and help restore our third branch to full strength.

Shortly we will begin voting on Judge Ann Donnelly to fill a judicial emergency vacancy in the Federal District Court for the Eastern District of New York. Since September 2014, she has served as a judge on the New York County Supreme Court. Judge Donnelly previously presided on the Kings County Supreme Court from 2013 to 2014 and in the Bronx County Supreme Court from 2009 to 2013. Prior to becoming a judge, she worked at the New York County District Attorney’s Office for 25 years as an assistant district attorney, senior trial counsel, and as

chief of the Family Violence Child Abuse Bureau. She has the support of her two home State Senators, Senator SCHUMER and Senator GILLIBRAND. She was voted out of the Judiciary Committee by unanimous voice vote on June 4, 2015. I will vote to support her nomination.

Mr. VITTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FLAKE). Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Ann Donnelly, of New York, to be United States District Judge for the Eastern District of New York?

Mr. FRANKEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

The PRESIDING OFFICER (Mr. CASSIDY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 279 Ex.]

YEAS—95

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Baldwin	Franken	Nelson
Barrasso	Gardner	Paul
Bennet	Gillibrand	Perdue
Blumenthal	Grassley	Peters
Booker	Hatch	Portman
Boozman	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Heller	Risch
Burr	Hirono	Roberts
Cantwell	Hoeven	Rounds
Capito	Inhofe	Sanders
Cardin	Isakson	Sasse
Carper	Johnson	Schatz
Casey	Kaine	Schumer
Cassidy	King	Scott
Coats	Kirk	Sessions
Cochran	Klobuchar	Shelby
Collins	Lankford	Stabenow
Coons	Leahy	Tester
Corker	Lee	Thune
Cornyn	Manchin	Tillis
Cotton	Markey	Toomey
Crapo	McCain	Udall
Cruz	McCaskill	Vitter
Daines	McConnell	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	

NAYS—2

Blunt Sullivan

NOT VOTING—3

Graham Rubio Shaheen

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate’s action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

STOP SANCTUARY POLICIES AND PROTECT AMERICANS ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2146, which the clerk shall now report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 252, S. 2146, a bill to hold sanctuary jurisdictions accountable for defying Federal law, to increase penalties for individuals who illegally reenter the United States after being removed, and to provide liability protection for State and local law enforcement who cooperate with Federal law enforcement and for other purposes.

The Senator from Texas.

Mr. CRUZ. Mr. President, the American people have demanded for years that the Federal Government faithfully enforce our Nation’s immigration laws. Americans are tired of seeing their laws flouted and their communities plagued by the horrible crimes that typically accompany illegal immigration. But for too long, the pleas of the American people on this issue have gone unheeded here in Washington.

See, when it comes to the problem of illegal immigration, the political class and the business class—our Nation’s elites—are of one mind. They promise robust enforcement at some point in the future but only on the condition that the American people accept a pathway to citizenship now for the millions of illegal immigrants who are already in this country.

Not wanting to be swindled, the American people wisely rejected this deal, which the Washington class calls “comprehensive immigration reform.” Of course, the elites don’t like this one bit. So instead, they have taken matters into their own hands. They bend or ignore the law to make it more difficult for immigration enforcement officers to do their job.

We have seen this repeatedly with the Obama administration. President Obama has illegally granted amnesty to millions of illegal immigrants with no statutory authorization whatsoever, even though, before his reelection, the President assured the American people he couldn’t do so without an act of Congress. As President Obama said, when asked whether he could grant amnesty, “I am not an emperor.”

Well, I agree with President Obama. But yet, just a few months after saying he couldn't do this because he was not an emperor, apparently he discovered he was an emperor, because he did precisely what he acknowledged he lacked the constitutional authority to do.

Although the administration today claims to be focusing its resources on deporting illegal immigrants with criminal records, it has adopted a policy where many illegal immigrants that the administration deems to be low-priority criminals will not be detained and deported but will be released back into our communities.

Remarkably, in the year 2013 the Obama administration released from detention roughly 36,000 convicted criminal aliens who were actually awaiting the outcome of deportation proceedings. These criminal aliens were responsible for 193 homicide convictions. They were responsible for 426 sexual assault convictions, 303 kidnapping convictions, 1,075 aggravated assault convictions, and 16,070 drunk driving convictions. All of this was on top of the additional 68,000 illegal immigrants with criminal convictions that the Federal Government encountered in 2013 but never took into custody for deportation. Dwell on those numbers for a moment.

In 1 year, the Obama administration releases over 104,000 criminal illegal aliens, people who have come into this country illegally who have additional criminal convictions—murderers, rapists, thieves, drunk drivers.

One wonders what the administration says to the mother of a child lost to a murderer released by the Obama administration because they will not enforce the laws. One wonders what the Obama administration says to the child of a man killed by a drunk driver released by the Obama administration because they will not enforce our immigration laws.

While this administration's refusal to enforce the laws is bad enough, the scandalously poor enforcement of our immigration laws is made much, much worse by the lawless actions of the roughly 340 so-called sanctuary jurisdictions across the country. Although these jurisdictions are more than happy—eager, even—to take Federal taxpayer dollars, they go out of their way to obstruct and impede Federal immigration enforcement by adopting policies that prohibit their law enforcement officers from cooperating with Federal officers. Some of the jurisdictions even refuse to honor requests from the Federal Government to temporarily hold a criminal alien until Federal officers can take custody of the individual. Not only are these sanctuary policies an affront to the rule of law, but they are extremely dangerous.

According to a recent study by the Center for Immigration Studies, between January 1 and September 30, 2014—just a 9-month period—sanctuary jurisdictions released 9,295 alien offenders who the Federal Government was

seeking to deport. That is roughly 1,000 offenders a month that sanctuary jurisdictions released to the people. Now, of those 9,295, 62 percent had prior criminal histories or other public safety issues. Amazingly, to underscore just how dangerous this is to the citizenry, 2,320 of those criminal offenders were rearrested within the 9-month period for committing new crimes after they had already been released by the sanctuary jurisdiction. If that doesn't embody lawlessness, it is difficult to imagine what does—jurisdictions that are releasing over and over criminal illegal aliens, many of them violent criminal illegal aliens, and exposing the citizens who live at home to additional public safety risk, to additional terrorist risk.

This same study found that the Federal Government was unable to reapprehend the vast majority of the alien offenders released by the sanctuary jurisdictions—69 percent as of last year. Even Homeland Security Secretary Jeh Johnson has admitted that these sanctuary policies are “unacceptable.” “It is counterproductive to public safety,” he said, “to have this level of resistance to working with our immigration enforcement personnel.”

I am thrilled to hear the Secretary of Homeland Security say so out loud. I assume that means that the Obama administration will be supporting the legislation before this body. After all, the Secretary of Homeland Security says it is “unacceptable,” and that “it is counterproductive to public safety.” Yet, sadly, the Obama administration is not supporting the legislation before this body.

Indeed, it has taken the tragic and terrible death of Kate Steinle to galvanize action here in Washington. Kate died in the arms of her father on a San Francisco pier after being fatally shot by an illegal alien who had several felony convictions and had been deported from the United States multiple times. Her death is heartbreaking.

In the Senate Judiciary Committee we had the opportunity to hear from Kate Steinle's family. The heartbreak is even more appalling because Kate's killer had been released from custody and not turned over to the Federal Government to be deported because of San Francisco's sanctuary policy.

The city of San Francisco is proudly a sanctuary city. They say to illegal immigrants across the country and across the world: Come to San Francisco. We will protect you from Federal immigration laws. We, the elected democratic leaders of this city, welcome illegal immigrants, including violent criminal illegal immigrants such as the murderer who took Kate Steinle's life.

These policies are inexcusable. They are a threat to the public safety of the American people, and they need to end. That is why I am proud to be one of the original cosponsors of the Stop Sanctuary Policies and Protect Americans Act, which strips certain Federal

funds, especially community development block grants, from jurisdictions that maintain these lawless policies. If these jurisdictions insist on making it more difficult to remove criminal aliens from our communities, then these Federal dollars should go instead to jurisdictions that will actually cooperate with the Federal Government, that are willing to enforce the law rather than aid and abet the criminals. It makes no sense to continue sending Federal money to local governments that intentionally make it more difficult and costly for the Federal Government to do its job.

But this bill doesn't just address sanctuary jurisdictions. It also addresses the problem of illegal immigrants who, like Kate Steinle's killer, are deported but illegally reenter the country, which is a felony. This class of illegal aliens has a special disregard and disdain for our Nation's laws, and too often these offenders also have serious rap sheets.

In 2012, just over a quarter of the illegal aliens apprehended by Border Patrol had prior deportation orders. That is an astounding 99,420 illegal aliens. Of the illegal reentry offenders who were actually prosecuted in fiscal year 2014—that is just 16,556 offenders—a fraction of those committed a felony. The majority of those who were prosecuted had extensive or recent criminal histories, and many were dangerous criminals. Even though the majority of offenders had serious criminal records, the average prison sentence was just 17 months, down from an average of 22 months in 2008.

In fact, more than a quarter of illegal reentry offenders received a sentence below the guidelines range because the government sponsored the low sentence. Because we are failing to adequately deter illegal aliens who have already been deported from illegally reentering the country, I introduced Kate's Law in the Senate.

I wish to thank Senators VITTER and GRASSLEY for working with me to incorporate elements of Kate's Law into this bill. I also wish to recognize and thank all of the original cosponsors who joined me in this bill—Senators BARRASSO, CORNYN, ISAKSON, JOHNSON, PERDUE, RUBIO, SULLIVAN, and TOOMEY.

Because of this bill, any illegal alien who illegally reenters the United States and has a prior aggravated felony conviction or two prior illegal reentry convictions will face a mandatory sentence of 5 years in prison. We must send the message that defiance of our laws will no longer be tolerated, whether it is by the sanctuary cities themselves or by the illegal reentry offenders who they harbor.

The problem of illegal immigration in this country will never be solved until we demonstrate to the American people that we are serious about securing the border and enforcing our immigration laws and until we have a President who is willing to and, in fact, committed to actually enforcing the laws and securing the borders.

This bill is just a small step, but at least it is a step in the right direction. Yet there will be two consequences from the vote this afternoon. First, it will be an opportunity for our friends on the Democratic side of the aisle to declare to the country on whose side they stand.

When they are campaigning for reelection, more than a few Democratic Senators tell the voters they support securing the borders. More than a few Democratic Senators tell the voters: Of course we shouldn't be releasing criminal illegal aliens. More than a few Democratic Senators claim to have no responsibility for the 104,000 criminal illegal aliens released by the Obama administration in the year 2013.

These Senators claim to have no responsibility for the murder of Kate Steinle, invited to San Francisco by that city's sanctuary city policy. This vote today will be a moment of clarity. No Democratic Senator will be able to go and tell his or her constituents: I oppose sanctuary cities. I support securing the border if they vote today in favor of sending Federal taxpayer funds to subsidize the lawlessness of sanctuary cities.

The Senate Judiciary Committee heard testimony from families who had lost loved ones to violent criminal illegal aliens—one after the other after the other. We heard about children who were sexually abused and murdered by violent illegal aliens. We heard from family members who have lost loved ones to drunk drivers illegally in this country.

During the hearing, I asked the senior Obama administration official for immigration enforcement how she could look into the eyes of those family members and justify releasing murderers, rapists, and drunk drivers over and over and over again.

Indeed, at that hearing I asked the head of immigration enforcement for the Obama administration: How many murderers did the Obama administration release this week? Her answer: I don't know. I asked her: How many rapists did the Obama administration release this week? Her answer: I don't know. How many drunk drivers? I don't know.

None of us should be satisfied with that answer or with a President and administration that refuse to enforce the laws and are willfully and repeatedly releasing violent criminal illegal aliens into our communities and endangering the lives of our families and children.

This vote today is a simple decision for every Democratic Senator: With whom do you stand? Do you stand with the violent criminal illegal aliens who are being released over and over again? Because mind you, a vote no is to say the next time the next murderer—like Kate Steinle's murderer—comes in, we should not enforce the laws, and we shouldn't have a mandatory 5-year prison sentence. Instead, we should continue sanctuary cities that welcome and embrace him until perhaps it is our family members who lose their lives.

It is my hope that in this moment of clarity the Democratic members of this body will decide they stand with the American people and not with the violent criminal illegal aliens.

It is worth noting, by the way, the standard rhetorical device that so many Democratic Senators use is to say: Well, not all immigrants are criminals. Well, of course they are not. I am the son of an immigrant who came legally to this country 58 years ago. We are a nation of immigrants, of men and women fleeing oppression and seeking freedom, but this bill doesn't deal with all immigrants. It deals with one specific subset of immigrants: criminal illegal aliens. It deals with those who come to this country illegally and also have additional criminal convictions, whether it is homicide, sexual assault, kidnapping, battery, or drunk driving. If it is the Democrats' position for partisan reasons that they would rather stand with violent criminal illegal aliens, that is a sad testament on where one of the two major political parties in this country stands today. I suspect the voters who elect them would be more than a little surprised at how that jibes with the rhetoric they use on the campaign trail.

If, as many observers predict, Democratic Senators choose to value partisan loyalty to the Obama White House over protecting the lives of the children who will be murdered by violent criminal illegal aliens in sanctuary cities if this body does not act, and if they vote on a party-line vote, as many observers have predicted, that will provide a moment of clarity. I will also suggest that it underscores the need for Republican leadership to bring this issue up again—and not in the context where Democrats can blithely block it and obstruct any meaningful reforms to protect our safety, secure the border, enforce the law, and stop violent illegal criminal aliens from threatening our safety—in the context of a must-pass bill and attach it to legislation that will actually pass in law.

I am very glad we are voting on this bill this week. That is a good and positive step. It is one of the few things in the last 10 months we have voted on that actually responds to the concerns of the men and women who elected us.

I salute leadership for bringing up this vote, but if a party-line vote blocks it, then the next step is not simply to have a vote. The next step is to attach this legislation to must-pass legislation and to actually fix the problem. Leadership loves to speak of what they call governing, and in Washington governing is always set at least an octave lower. Well, when it comes to stopping sanctuary cities and protecting our safety, we need some governing. We need to actually fix the problem rather than have a show vote.

My first entreaty is to my Democratic friends across the aisle. Regardless of areas where we differ on partisan politics, this should be an easy vote. Do you stand with the men and

women of your State or do you stand with violent criminal illegal aliens? We will find out in just a couple of hours.

My second entreaty is to Republican leadership. If Democrats are partisans first rather than protecting the men and women they represent, then it is up to Republican leadership to attach this to a must-pass bill and actually pass it into law and solve the problem—not to talk about it, but to do it. It is my hope that is what all of us do together.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today to speak out against a bill that is misguided, stands against everything that America represents, and suggests that it will protect Americans when, in fact, it will protect Americans less.

From our founding, our principles have been guided by core values of equality, fairness, freedom, and tolerance, and in turn, we have honored the many ways that immigrants have contributed to this country since its inception. Yet the other side of the aisle is once again engaged in a stubborn, relentless, and shameful assault against immigrants.

As the son of immigrants myself, I find it hard not to take offense at the anti-immigrant rhetoric we are hearing from their Presidential candidates. It is unacceptable, deplorable, and should be renounced by every American. We are witnessing the most overtly nativist, xenophobic campaign in modern U.S. history. We have hit a new low with the extraordinarily hateful rhetoric that diminishes immigrants' contributions to American history and particularly demonizes the Latino community by labeling Mexican immigrants as rapists and criminals.

The Republican leading in the polls actually launched his Presidential candidacy by attacking immigrants, saying:

They're bringing drugs. They're bringing crime. They're rapists.

Please spare me. It is senseless and false. Yet some of my Senate colleagues have decided to jump on the GOP's fearmongering bandwagon, seeking to blindly stamp millions of hardworking, law-abiding immigrant families as criminals and rapists, and that is why we are here today. That anti-immigrant rhetoric has made its way to the Senate floor courtesy of Donald Trump and some Republicans eager to capitalize on this rhetoric for their own political gain.

This is nothing more than another offensive anti-immigrant bill, another effort to demonize those who risk everything for a better life for themselves and their children, those who were left with no choice but to flee persecution and violence or else face a certain death. That is what we are debating here today. Those are the individuals this legislation seeks to brand as criminals.

This bill does nothing more than instigate fear and divide our Nation. Supporters of this bill may say that it is in response to a tragedy such as what happened in San Francisco, and what happened in San Francisco was a tragedy. Such tragedies will not be prevented by this legislation but by real immigration reform. I am happy to have that debate—a real debate, an honest and compassionate debate, a debate the country deserves—but that is not what is happening in this bill.

The title of the bill asserts that it will protect Americans. Well, to be clear, this bill will not protect Americans because it second guesses decisions made by local law enforcement around the country about how to best police their own communities and ensure public safety.

What is worse, this bill mandates local law enforcement to take on Federal immigration enforcement duties by threatening to strip away funding from as many as 300 local jurisdictions, from programs such as the community development block grant, community-oriented policing services, and the State Criminal Alien Assistance Program. These are programs that directly help our towns and communities. The CDBG Program grows local economies and improves the quality of life for families. It has assisted hundreds of millions of people with low and moderate incomes, stabilized neighborhoods, provided affordable housing, and improved the safety and quality of life of American citizens. The Cops on the Beat grant funds salaries and benefits for police officers who serve us every day by keeping our communities safe, and they deserve better than being dragged into partisan politics.

My colleague from Louisiana seeks to strip funding from localities that undertake the balancing of public safety considerations and refuse to act as Immigration and Customs Enforcement agents. But this bill goes even further than that. This bill isn't content with taking discretion away from local communities; it takes it away from the judicial branch. It adds new mandatory minimums when, as a nation, we are trying to move away from that approach. The new mandatory minimum sentences would have a crippling financial impact with no evidence that they would actually deter future violations of the law. They could cost American taxpayers hundreds of millions of dollars. I think that deserves a serious, thoughtful debate in the Judiciary Committee, with expert testimony on whether this really makes us safer or whether we are throwing away hard-earned taxpayer dollars. But we won't even get that debate because this bill was fast-tracked as a Republican priority, and it didn't even go through the regular committee process.

The U.S. Senate cannot nurture an environment that demonizes and dehumanizes Latinos and the entire immigrant community. By threatening to strip CDBG funding from cities, Senate

Republicans are saying that it is OK to withhold funding from economically vulnerable American citizens, senior citizens, veterans, and children to promote their anti-immigrant agenda and that it is OK to cut COPS funding, which has long promoted public safety through community policing.

A one-size-fits-all approach that punishes State and local law enforcement agencies that engage in well-established community policing practices just doesn't make sense. Local communities and local law enforcement are better judges than Congress of what keeps their communities safe. Police need cooperation from the community to do their jobs. That is why over the past several years hundreds of localities across our Nation, with the support of some of the toughest police chiefs and sheriffs, have limited their involvement in Federal immigration enforcement out of concerns for community safety and violations of the Fourth Amendment. They need witnesses and victims to be able to come forward without fear of recrimination because of their immigrant status, and fear of deportation should never be a barrier to reporting crime or seeking help from the police. This fear undermines trust between law enforcement and the communities they protect and creates a chilling effect.

These policies were put in place because local jurisdictions don't want to do ICE's job for them. Effective policing cannot be achieved by forcing an unwanted role upon the police by threat of sanctions or withholding assistance, especially at a time when law enforcement agencies are strengthening police-community relations.

Furthermore, why do my Republican colleagues believe they know better than the local towns and citizens who live this day in and day out? They talk endlessly about decentralizing government, giving the power back to local communities, but not this time. It is no wonder that this bill is opposed by law enforcement, including the Fraternal Order of Police, the Law Enforcement Immigration Task Force, the U.S. Conference of Mayors, immigrant and Latino rights organizations, faith groups, and domestic violence groups, among others.

This bill is not a real solution to our broken immigration system. The bottom line is that we need comprehensive immigration reform. We passed bipartisan legislation in 2013, but we haven't had a real discussion in Congress for over 2 years.

A recent Pew poll found that 74 percent of Americans overall said that undocumented immigrants should be given a pathway to stay legally. That included 66 percent of Republicans, 74 percent of Independents, and 80 percent of Democrats who support a pathway to legal status for undocumented immigrants. This bipartisan support is not new.

Comprehensive immigration reform, previously passed in the Senate,

brought millions of people out of the shadows who had to prove their identity, pass a criminal background check, pay taxes, and provide an earned path to citizenship so ICE could focus on the people who were true public safety threats. The bill also increased penalties for repeat border crossers. It included \$46 billion in new resources, including no fewer than 38,000 trained, full-time, active Border Patrol agents deployed and stationed along the southern border. It increased the real GDP of our country by more than 3 percent in 2023 and 5.4 percent in 2033—an increase of roughly \$700 billion in the first 10 years and \$1.4 trillion in the second 10. It would have reduced the Federal deficit by \$197 billion over the next decade and by another \$700 billion in the following. That is almost \$1 trillion in deficit spending reductions by giving 11 million people a pathway to citizenship. That was a real solution. That is the type of reform we need. That, in fact, is the opportunity that existed. Unfortunately, the other body, the House of Representatives, did not even have a vote. To the extent that Americans are less safe, it is because of their inaction that we are less safe today.

Tragedies should not be used to scapegoat immigrants. They should not be used to erode trust between law enforcement and our communities. We cannot let fear drive our policymaking.

So let's actively and collectively resist the demagoguery that threatens to shape American policymaking for the worse. I believe a vote to proceed is a vote against the Latino and immigrant communities of our country, and I hope that on a bipartisan basis we can reject it.

With that, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I wish to discuss sanctuary cities.

Two women, Kate Steinle and Marilyn Pharis, were killed in California over the summer, both allegedly by undocumented individuals with criminal records.

The suspect in each case had recently been released from local custody without notice to Federal immigration officials, which could have resulted in those individuals being removed from the country instead of being released.

I believe these murders could have been prevented if there were open channels of communication between local law enforcement and Federal immigration authorities about dangerous individuals.

In both cases, those lines of communication broke down, and two women died.

In my view, local law enforcement agencies should be required to notify Federal authorities—if such notification is requested—that they plan to release a dangerous individual, such as a convicted felon.

This is a reasonable solution that would target those criminals who shouldn't be released back onto the street.

While I do support mandatory communication between local, State, and Federal officials, I do not support the bill before us today.

The bill we will soon be voting on would target all undocumented immigrants for deportation.

It would divert already stretched local law enforcement resources away from dangerous criminals and from policing in their own communities. I do not support such an action.

This bill also includes a detention requirement that goes beyond dangerous individuals—it would cover any immigrant sought to be detained.

This is a standard that could be abused in another administration, and it is potentially a huge unfunded mandate to impose on States and localities.

In addition to being an unfunded mandate, the bill would make drastic cuts to police departments, sheriffs departments, and local community programs.

Specifically it would cut the COPS Hiring Program; the State Criminal Alien Assistance Program, known as SCAAP; and the Community Development Block Grant Program.

Last year, 21 California jurisdictions received \$13.2 million in COPS hiring grants to hire police officers.

California also received \$57 million in SCAAP funds to help cover costs of holding undocumented immigrants.

And California communities received \$356.9 million under the Community Development Block Grant Program.

As a former mayor, I know how important these funds are to local communities.

The bill would also impose lengthy Federal prison sentences on all undocumented immigrants.

This would include mothers crossing the border to see their children.

It would include agricultural workers who are vital to California's economy.

It would include other essentially innocent individuals who simply want to make a better life for themselves and their families.

In my view, this goes much too far, and I cannot support it.

I would, however, like to talk further about the murders of Kate Steinle and Marilyn Pharis and what I believe should be done to protect public safety.

Kate Steinle, a 32-year-old woman, was shot and killed in July while walking along San Francisco's Pier 14 with her father.

The suspected shooter, Juan Francisco Lopez-Sanchez, had a long criminal record.

He had seven felony convictions, including one for possession of heroin and another for manufacturing narcotics.

He had also been removed from the country five times.

The chain of events that led to Kate's murder began on March 23, when San Francisco County Sheriff Ross Mirkarimi requested that Lopez-Sanchez be transferred from Federal prison to San Francisco.

The sheriff's request was based on a 20-year-old marijuana possession warrant.

On March 26, Lopez-Sanchez was booked into San Francisco County jail.

However, the 20-year-old marijuana charge was quickly dropped, and Lopez-Sanchez was later released.

Immigration and Customs Enforcement had asked Sheriff Mirkarimi to let the agency know when Lopez-Sanchez would be released. That did not happen.

A simple phone call would have been enough, but Sheriff Mirkarimi failed to notify Federal officials.

In July, only a few months after his release, Lopez-Sanchez shot and killed Kate Steinle.

In fact, not only did the sheriff fail to notify, the failure was a consequence of a deliberate policy.

Just weeks before his office requested the transfer of Lopez-Sanchez, the sheriff adopted a policy forbidding his own deputies from notifying immigration officials.

The policy specifically states that sheriff department staff shall not provide release dates or times to immigration authorities.

Let me be clear: this isn't State law or even San Francisco law. This is the sheriff's own policy.

I believe this policy is wrong, and I have called on the sheriff to change it. San Francisco Mayor Ed Lee has made the same request.

On July 24, Marilyn Pharis was brutally attacked with a hammer and sexually assaulted in her home by two suspects.

The 64-year-old Air Force veteran died in the hospital from her injuries a week later.

One of the individuals charged with this heinous crime is a 20-year-old U.S. citizen named Jose Fernando Villagomez.

The other is a 29-year-old undocumented immigrant named Victor Aureliano Martinez Ramirez.

According to ICE, Martinez Ramirez was arrested in May 2014, but he had no prior felony convictions or deportations.

He was subject to what is called an ICE detainer request, asking the local jurisdiction to hold him until ICE could pick him up.

The local jurisdiction did not hold the suspect, nor did they notify ICE of his release.

In the ensuing months, Martinez Ramirez accumulated multiple misdemeanor convictions, including possession of methamphetamine and battery.

One of his convictions included a protection order requiring him to stay away from a particular individual.

On July 20, he pleaded guilty to additional misdemeanor charges of possessing a dagger and drug paraphernalia.

He was sentenced to 30 days, but that wasn't to begin until October 31. He was released from custody and, 4 days

later, allegedly attacked, raped, and killed Marilyn Pharis in her own home.

I believe these two cases demonstrate the need for better communication between local, State, and Federal authorities before a dangerous individual with a criminal record is released.

When our committee was set to markup an earlier bill from Senator VITTER, I prepared a simple amendment to ensure such communication happens. That markup was cancelled.

I'd like to describe this approach now.

First, it would require notification by a State or local agency of the impending release of certain dangerous individuals, if ICE requests such notification.

It would apply to individuals where there is probable cause to believe they are aliens who are removable from the country and who pose a threat to the community.

Immigration offenses would be covered only if the individual had actually received more than 1 year in prison, which would happen for a person with a significant criminal history.

The amendment I prepared would not include harmful cuts to law enforcement and community programs, which I believe are unnecessary and unwise.

The legal precedents from the Supreme Court show that Congress can impose a reporting requirement on a State or local government, without threatening harmful funding cuts.

That is the approach I would take—I believe it would protect public safety without harming otherwise law-abiding immigrants or State or local law enforcement.

Before I conclude, I'd like to remind my colleagues that this is not a choice between being pro-immigrant or pro-criminal.

I am pro-immigrant. Immigrants make a tremendous contribution to this country and to my State.

They work some of the most difficult jobs, from agriculture to construction to hospitality.

They are part of the fabric of our country.

I, myself, am the daughter of an immigrant.

I strongly support comprehensive immigration reform, which I think is the only long-term solution to many of these problems.

I also support the President's executive actions to eliminate the threat of deportation for young people who have been raised here, as well as the parents of American citizens.

And I agree with immigrant advocates who want to prevent families from being separated because of a minor infraction like a broken tail-light.

The position I support strikes a balance.

It would keep dangerous individuals off the street, while protecting otherwise law-abiding immigrants who are just here to work and provide their children with a better future.

I believe the deaths of Kate Steinle and Marilyn Pharis could have been prevented.

I believe we can and should fix the problems that led to their deaths by requiring that local officials notify Federal officials before they release dangerous criminals, if asked to do so.

I oppose Senator VITTER's bill, which would sweep up otherwise law-abiding immigrants and divert resources away from where they are most needed.

We should focus our efforts on dangerous criminals, and I hope that when we again take up comprehensive immigration reform, that is what happens.

I thank the Chair.

Mrs. BOXER. Mr. President, the death of Kate Steinle in San Francisco by a convicted felon who illegally crossed the border multiple times was horrific. It left a family heartbroken and shocked our community, our State, and our Nation.

We cannot allow a tragedy like this to happen again.

We should never give sanctuary to serious and violent felons, but this Republican bill is not the answer.

Getting rid of sanctuary cities will not reduce crime—in fact, it will only increase crime and make us less safe.

That is why this bill is opposed by law enforcement, immigrant rights organizations, faith groups, domestic violence groups, labor unions, housing and community development organizations, mayors of California's biggest cities, and the National League of Cities—as well as many others.

The truth is that sanctuary cities keep our neighborhoods safe by promoting trust and cooperation between police officers and immigrant communities. And that trust is essential to protecting all of us.

Let me give a quick example.

A few years ago in Seattle, more than two dozen Asian women were sexually assaulted in the same neighborhood over a 2-year period.

Because of the strong relationship between police and the community—a community where police are generally prohibited from asking about immigration status—many of the immigrant victims were willing to come forward and share information with the police, which led to the perpetrator's arrest.

Don't just take my word for it—listen to what law enforcement in our communities say about the importance of sanctuary city policies.

As former San Jose Police Chief Rob Davis said: "We have been fortunate enough to solve some terrible cases because of the willingness of illegal immigrants to step forward, and if they saw us as part of the immigration services, I just don't know if they'd do that anymore."

As Ohio Chief of Police Richard Biehl explained: "Sanctuary policies and practices are not designed to harbor criminals. On the contrary, they exist to support community policing, ensuring that the community at large—including immigrant communities—

trusts State and local law enforcement and feels secure in reporting criminal conduct."

Ending sanctuary policies would keep the voices of immigrant victims and witnesses quiet.

That means crimes would go unreported, cases would go unsolved, and dangerous criminals would go unpunished.

Ending these policies would actually give sanctuary to dangerous criminals because, without the help of immigrant communities, these violent offenders will continue to threaten our safety.

We know this because there are many places in this country where immigrants do not feel safe coming forward.

As Texas Sheriff Lupe Valdez said: "A lot of undocumented individuals came from areas where they can't trust the police. The uniform has pushed them into the shadows. Good law enforcement cannot be carried out this way."

Just listen to some of the immigrants who were too terrified to come forward and report horrific crimes.

Take it from Maria, an immigrant survivor of serious domestic violence, who fled from Texas to Indiana, where her abuser tracked her down.

When he came to her house at midnight, she was too afraid to call 911—fearing she could be deported—so she called her lawyer over and over. Because it was the middle of the night, her attorney was not at work and came in the next morning to a series of frantic messages left on her voicemail.

Ultimately, Maria's abuser was not able to get into the house, but her life was in danger because she thought that law enforcement wasn't a safe option.

Take it from Cecilia, a young Guatemalan girl in Colorado.

Cecilia was sexually abused by a family friend at the age of 5. Her parents, undocumented immigrants, learned about the abuse, but they were terrified to report the crime to the police because they were told by family and friends that the police could not be trusted. They were told that, if they came forward, they would be reported to immigration and deported.

A year later, the same perpetrator sexually abused another young child. It wasn't until the father of that child contacted Cecilia's parents that they decided to go to the police together, and the perpetrator was caught and prosecuted.

But because of their initial fear of reporting the crime, another child was harmed.

So why would we pass a bill that could discourage victims or witnesses from coming forward for help?

Why would we pass a bill that would make it harder for law enforcement to solve crimes and keep our communities safe?

This Republican bill is also dangerous because it would cut off COPS grants that help communities protect residents by hiring officers.

We should be doing everything we can to help local police departments—

not take away their ability to put officers on the street.

Republicans also want to punish communities by taking away their community development block grants, which would hurt thousands of working families who rely on these funds for safe, affordable housing and other critical services.

This GOP bill would also take away SCAAP funding, which reimburses State and local governments for the costs of incarcerating undocumented immigrants. This funding has been repeatedly slashed, and it has never been enough—especially in my State of California, which spends nearly \$1 billion a year on these incarceration costs.

These cuts would have devastating impact on States and local communities.

Now, there are some California communities reviewing their specific policies and forging cooperation agreements with Federal immigration officials—and I think that's a good thing.

I believe that State and local officials should examine their policies to ensure that they are preserving the trust that law enforcement has built in our communities, while keeping serious and violent felons off our streets.

Unfortunately, this Republican bill would do the exact opposite—it would undermine the trust that has been developed between police and immigrant communities, and it would set back efforts to solve cases and put dangerous criminals behind bars.

The real question is: Why are we even considering this bill?

Why isn't Congress passing the bipartisan comprehensive immigration reform bill that the Senate passed more than 2 years ago?

That bipartisan bill would make our country safer by adding 20,000 more Border Patrol agents; increasing surveillance; and hiring additional prosecutors and judges to boost prosecutions of illegal border crossings.

The measure would also make clear that serious or violent felons will never get a pathway to citizenship or legal status.

And the bill would bring families out of the shadows—so that they don't fear being deported or separated from their families . . . so they feel comfortable cooperating with police and reporting crimes in their communities.

Let's make our communities safer by passing real immigration reform and by defeating this misguided Republican bill.

I urge my colleagues to vote no.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from New York.

DONNELLY CONFIRMATION

Mr. SCHUMER. Mr. President, I am going to discuss the bill on the floor in a minute, but first I wish to take a moment to congratulate the newly confirmed district judge for the Eastern District of New York, Ann Donnelly. She just passed the Senate with a vote of 95 to 2—nearly unanimous and deservedly so.

There are few more qualified for a Federal judgeship than Ann Donnelly. She has dedicated her life to public service, having spent a quarter decade as a prosecutor in the prestigious New York County District Attorney's Office under Bob Morgenthau. She accumulated a host of awards there and rose through the leadership ranks of the office. Then, in 2009, she became a State court judge in New York, hearing a wide variety of cases. She has a stellar academic record, having graduated from the University of Michigan and Ohio State University School of Law.

I could tick off more of her accomplishments, and the list would be long, but Judge Donnelly is more than a brilliant resume. I know her well. She is at her core a kind, thoughtful, and compassionate person. Anyone who knows her or who has interacted with her even briefly knows she is fair, open-minded, and has exactly the kind of temperament that will make her an exceptional Federal judge.

I congratulate Ann Donnelly and her family—particularly her mother—on her confirmation. I know her mother is so proud of her. It is a milestone day in her career and a bright day for the Eastern District of New York.

Mr. President, today the Senate will turn its attention to a divisive immigration bill that has no hope of becoming law. Today's vote won't be on a comprehensive bill, as was the one the Senate passed 2 years ago—one that secures our borders, provides a jolt to the economy, provides a pathway to citizenship for hard-working, law-abiding immigrants who pay their taxes to get right with the law.

I want to be clear with the American people on this. Today's vote is nothing but a political show vote. Senator VITTER knows his bill has no chance of passing the Senate or being signed into law. As stated by my friend the Republican junior Senator from Nevada—here is what he said: "You know we have votes because people are running for president, so I am not surprised we have votes because people are running for governor." No other sentence sums it up better as to what a waste of time this is, and that is to say nothing about the substance of the bill, which has drawn opposition from nearly every important interest group. A broad coalition of major law enforcement groups, faith groups, labor, cities, elected officials, housing advocates, and immigrant rights groups oppose this bill. I suspect there are Members of the Republican caucus who oppose many parts of it. Why? Because it is a bill that would jeopardize hundreds of millions of dollars in the name of punishing immigrants and cities where they live.

This bill would strip away community development block grants, community COPS grants to hire more cops, and SCAAP, a proposal that funds jurisdictions that are doing what many on the other side want them to do by locking up unauthorized immigrants

who commit crimes. Everyone believes that if a person commits a serious crime unrelated to being an immigrant—not like crossing the border or forging a document but a serious crime—law enforcement should be required to cooperate and those folks should be deported, plain and simple. But in the name of trying to help law enforcement, this bill hurts law enforcement because it will take away so many of the grants law enforcement needs. It will take away the grants that help create a way of incarcerating those who commit serious crimes.

All of these cuts would come while also astronomically increasing the size of prison population and related costs, without decreasing the deficit by a single dime. This will put a huge burden on our State and local taxpayers. Their taxes would go way up if this bill were passed into law and implemented.

To be clear, the death of Kathryn Steinle in San Francisco was tragic. It never should have happened. I mourn not only her family but the family of any American killed in a senseless act of gun violence. For people like the killer of Ms. Steinle, law enforcement should cooperate with the Federal authorities and deport those folks.

This is not the way to exercise better law enforcement. Punishing cities and communities and yanking Federal funding from cops will not get us to a better immigration system or safeguard our communities.

The bill we passed in 2013, which I was proud to author with a number of Democratic and Republican colleagues, is the opposite of this bill in every way. Our bill was supported by a broad coalition of groups, from business, labor, faith communities, immigrant communities, and law enforcement. Our bill paid for itself and went on to decrease the deficit by \$160 billion over 10 years and to increase GDP by 3.3 percent. Our bill secured the border—this bill doesn't do that—not only with more resources and staff but by cracking down on repeat border crossers and those who overstay their visas. It did it in a smart way. The goal of our friend from Louisiana isn't accomplished in his bill, but it is in comprehensive immigration reform—the goal of making sure those who are repeat border crossers and those who overstay their visas are dealt with properly.

Our bill paved a tough but fair pathway to citizenship, shielding law-abiding immigrants from deportation, fostering trust with law enforcement, and exposing the criminals in their communities who would rather live in the shadows.

Our bill was a bipartisan compromise. There is no compromise here. I daresay many of my colleagues on the other side of the aisle, when they look at provisions in this bill, do not like them. This is a show vote—a vote, as my Republican colleague from Nevada said, to help someone in his quest for political office.

There are so many vitally important policy debates we could be turning to

today. Instead, the Senate Republican leadership insists on leading us into this dark, divisive place for nothing more than political theater. Think of the urgent bipartisan issues we should be working on, including the debt ceiling. We are about to default because of the shenanigans going on on the other side. The Perkins Loan Program so that kids can go to college; the land and water conservation programs are expiring. The highway bill—we don't have a highway bill, yet we are doing this. And if we don't take action by the end of the year, millions of seniors will see a 52-percent increase in their Medicare bill. How many Americans would want us to do that and not the divisive show vote that has no chance of passing?

I urge my colleagues to oppose this bill. Just as importantly, I beg my colleagues to join us on this side of the aisle in turning to a serious debate on comprehensive immigration reform—something they have so far refused to do.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

The Senator is advised that the Senate is under an order to recess at this time.

Mr. TOOMEY. Mr. President, I ask unanimous consent that I be recognized for such time as I may consume and that Senator HIRONO be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOOMEY. Mr. President, I rise to speak on S. 2146, the Stop Sanctuary Policies and Protect Americans Act, which the Senate will vote on shortly and which our colleagues have been speaking about.

First, I want to recognize and thank my colleagues for joining in this effort—Senator VITTER, Senator GRASSLEY, Senator CRUZ, and Senator JOHNSON—and introducing this very important bill. I can't believe the way it is being mischaracterized, and I will try to address some of those mischaracterizations.

Let's be clear. This bill is about keeping our communities safe from violent crime. That is what it is about. It is necessary because of the sanctuary cities that we have across America.

This is not a manufactured problem. This is a very real problem. There is one father who knows about it all too well. Jim Steinle was walking arm in arm with his daughter on a pier in San Francisco. Suddenly a gunman leaps out, opens fire, and hits Kate. She falls into her father's arms and pleads, "Help me, dad," while she bleeds to death.

What is so outrageous about this, among other things, is that the shooter never should have been on the pier that day, in the first place. He was an illegal immigrant who had been convicted of seven felonies. He had been deported

five times, and there he is on the San Francisco pier, shooting and killing an innocent woman. It is more outrageous than that. Just 3 months earlier, the Department of Homeland Security had asked the San Francisco Police Department, when they had picked up this man, to hold him until DHS officials could come and get him. They had made that specific request when this man was in the custody of the San Francisco Police Department, but San Francisco refused to cooperate. Knowing that DHS wanted them to hold this man for a short period of time until their agents could get there and take him into custody, having had that request from DHS, San Francisco said no, and they released him so he could then go out and commit a murder.

Why in the world would they release a man such as this when DHS has asked them to hold him? It is because San Francisco is a sanctuary city. What that means is that it is the policy of the city of San Francisco—having commanded their local law enforcement, their police department—to not cooperate with Federal officials seeking to prosecute immigration issues. Even when they want to cooperate, they are forbidden from cooperating. Think about how absurd this is.

If Federal officials had called the San Francisco Police Department about any other kind of crime—larceny, burglary, a trademark violation—they would have been happy to cooperate. They would have cooperated, in fact. But because the crime was related to illegal immigration, the San Francisco Police Department's hands were tied. The police were forced to release the man who would then go on and kill Kate Steinle. As a father of three young children, I can't even begin to think about the pain that the Steinles just went through, and what is so maddening is that it was entirely unnecessary.

Sadly, this is not the only case, as you know. According to the Department of Homeland Security, during an 8-month period last year, sanctuary jurisdictions—cities and counties that have adopted this policy of noncooperation—have released over 8,000 illegal immigrants they had in their custody, and 1,800 of these were later arrested for criminal acts. This includes two cities that refused to hold individuals who had been arrested for child sexual abuse. In both cases the individuals were later arrested for sexually assaulting young children. This is how outrageous this has become.

For the record, let me make it clear that I completely understand that the vast majority of immigrants would not commit these crimes. That is not what this is about. But the truth of the matter is that any large group of individuals is going to have a certain number of criminals within it. Of the 11 million people who are here illegally, some are inevitably violent criminals.

The Stop Sanctuary Policies and Protect Americans Act provides a solu-

tion to this in three parts. First, under our legislation sanctuary jurisdictions will lose certain Federal funds. If a city or county or municipality decides they will declare or forbid their law enforcement officials from cooperating and even sharing information with Federal Department of Homeland Security officials, they will lose some Federal funding.

Second, this legislation includes Kate's Law. This provides for a mandatory minimum 5-year sentence for a person who reenters the United States illegally after having been convicted of an aggravated felony or having been convicted twice before of illegal reentry.

Finally, there is the third part of this legislation. Across America dozens of municipalities that had been cooperating with Federal immigration officials have been forced to become sanctuary communities or counties because several Federal courts have held that local law enforcement may not cooperate when DHS asks them to hold an illegal immigrant. They maintain that there is not the statutory authority for local law enforcement to do so. Therefore, if the local police were to cooperate, as they should, they would be liable for damages, and this would apply even to dangerous criminal cases. We solve that problem by making it clear that when local law enforcement is acting in a fashion consistent with what DHS is requesting—what DHS has the authority to do themselves—then there would be no such legal liability.

Some of my Democratic colleagues have said that we don't need this legislation and that all we need is greater cooperation between Federal and local law enforcement. Well, that is absolutely factually incorrect. It is not possible to have the level of cooperation that we need to have because of these court decisions, because the court decisions effectively are precluding the kind of cooperation that we need. That is why Congress needs to act.

We need to make it clear that local law enforcement can in fact hold somebody that the Department of Homeland Security needs to have held, just as the Department of Homeland Security has that authority themselves. The Stop Sanctuary Policies and Protect Americans Act provides a valid solution. It confirms that local law enforcement officers are allowed to cooperate when Federal officials ask them to hold illegal immigrants.

It is carefully drafted to protect individual liberties. If an individual's civil liberties or constitutional rights are violated, than that individual can still file suit and can still seek a remedy, and that is as it should be. But this legislation to stop sanctuary policies act really should have very broad bipartisan support.

Let's keep in mind the people we are talking about here. As a practical matter, the only cases in which this applies is that small subset of illegal immigrants who even the Obama adminis-

tration wishes to hold for deportation—only that small subset of people that the Obama administration believes is dangerous enough to warrant removal. Really, we can't even have local law enforcement officials cooperate under those circumstances?

President Obama's own Secretary of Homeland Security has declared that sanctuary cities are "not acceptable." He has described them as "counterproductive to public safety." There is no real basis for voting no on this.

Opponents have turned to misrepresenting this in many ways, but the facts are overwhelming.

There are three national law enforcement groups that have written a powerful letter addressing some of the misrepresentations that have been made about this bill. They have reaffirmed their support for this bill. They include the National Sheriffs' Association, the National Association of Police Organizations, and the Federal Law Enforcement Officers Association.

Mr. President, I ask unanimous consent to have their letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 20, 2015.

Senator DAVID VITTER,
U.S. Senate, Hart Senate Office Bldg.,
Washington, DC.
Chairman CHUCK GRASSLEY,
U.S. Senate, Hart Senate Office Bldg.,
Washington, DC.
Senator RON JOHNSON,
U.S. Senate, Hart Senate Office Bldg.,
Washington, DC.
Senator PAT TOOMEY,
U.S. Senate, Russell Senate Office Bldg.,
Washington, DC.
Senator TED CRUZ,
U.S. Senate, Russell Senate Office Bldg.,
Washington, DC.

DEAR SENATORS VITTER, TOOMEY, GRASSLEY, CRUZ, AND JOHNSON: On behalf of the National Sheriffs' Association, the National Association of Police Organizations, and the Federal Law Enforcement Officers Association and the local, state, and federal law enforcement officers we represent, we write to reiterate our support for the Stop Sanctuary Policies and Protect Americans Act (S.2146) and to correct some misrepresentations regarding the Act.

As the law enforcement officers on the front lines working to protect our communities, we know firsthand the challenges facing police officers. We know when a bill makes our jobs more difficult and when a bill makes our jobs easier.

We have been surprised to hear some misrepresent this bill and its effects on law enforcement.

For example, some have claimed that the Stop Sanctuary Policies Act will "require[]" state and local law enforcement to carry out the federal government's immigration enforcement responsibilities," and thus "the federal government would be substituting its judgment for the judgment of state and local law enforcement agencies." Nothing in the Stop Sanctuary Policies Act requires local law enforcement "to carry out federal immigration responsibilities." Removing illegal immigrants remains the exclusive province of the federal government. The bill simply withholds certain federal funds from jurisdictions that prohibit their local law enforcement officers from cooperating with

federal officials in the limited circumstance of honoring an immigration detainer. It is politicians in sanctuary jurisdictions who, by tying the hands of local law enforcement, are “substituting [their] judgment for the judgment of state and local law enforcement.”

Others have resorted to scare tactics, warning that that S.2146 will lead to the deportation of those who report crimes to law enforcement. This is simply false. The bill provides that if a jurisdiction has a policy that it will not inquire about the immigration status of crime victims or witnesses, the jurisdiction will not be deemed a sanctuary jurisdiction and will not lose any federal funds.

To be clear: We believe the Stop Sanctuary Policies Act will make America safer, enhance the ability of police to protect and serve, and provide greater flexibility for law enforcement officers at every level—federal, state, and local.

We also write to address those Members of Congress who insist that the Stop Sanctuary Policies Act is not needed; instead, Congress should “encourage” local officers to cooperate with federal officials. This ignores one crucial fact: Across America, federal courts have issued decisions forbidding local officers from cooperating with federal requests to hold an illegal immigrant. These decisions provide that local law enforcement and municipalities may be sued if they cooperate with federal officials to detain dangerous criminals. Under these decisions, even if a federal official would have had the authority to hold the individual, local law enforcement can still be sued.

Too often, local law enforcement officers are left with a terrible choice: Either release an individual who has been convicted of or arrested for violent crimes, or be sued and lose funds that are needed to protect our communities. As a result of these lawsuits, scores of cities and counties across America have become sanctuary jurisdictions.

The Stop Sanctuary Policies Act provides a solution. The bill confirms that local law enforcement may cooperate with federal requests to hold an illegal immigrant. The bill provides that when local officers comply with such requests, they are delegated the same powers to hold an illegal immigrant as a DHS official would have. If the detention would have been legal if carried out by the Department of Homeland Security (DHS), then under S.2146 it is still legal; it does not become a crime simply because it is a local sheriff acting instead of a DHS official.

This provision was carefully drafted to protect individual liberties. It preserves an individual’s ability to sue for a violation of a constitutional or civil rights, regardless of whether the violation was the result of negligence or was purposeful. Under S.2146, if there was no basis to detain the individual—DHS issued the request for someone in the U.S. legally—the individual may still sue for a violation of rights. The difference is that the party responsible for the error, the federal government, is liable; not a local police officer or jailer acting in good faith. If a local law enforcement officer acts improperly—mistreating an individual or continuing to hold an individual after federal officials issue a release order—the individual may sue, with the local officer liable for all costs and judgments.

Contrary to the assertions of the American Civil Liberties Union (ACLU)—the party that has orchestrated these lawsuits against local law enforcement officers—the Stop Sanctuary Policies Act is fully consistent with the Fourth Amendment. In a letter to Congress, the ACLU states, “The Fourth Amendment provides that the government cannot hold anyone in jail without getting a

warrant or the approval of a judge.” The fact is that the Constitution requires probable cause to detain an individual, which can be established by a judicial warrant issued before the arrest or by a demonstration of probable cause after the arrest. Otherwise police could never arrest someone whom they see committing a crime. The Stop Sanctuary Policies Act does not alter the requirement for probable cause. To the contrary, S.2146 explicitly preserves an individual’s ability to sue if he or she is held without probable cause or has suffered any other violation of a constitutional right.

The ACLU also tries scare tactics. It claims that the Stop Sanctuary Policies Act includes “provisions requiring DHS to absorb all liability in lawsuits brought by individuals unlawfully detained in violation of the Fourth Amendment.” This is false. If a lawsuit alleges that a local officer knowingly violated Fourth Amendment or other constitutional rights, then under S.2146, the individual officer will bear all liability—not the federal government. For some lawsuits, the U.S. will be substituted as defendant—specifically, suits alleging that the immigration detainer should not have been issued. But such a claim could already be brought against the U.S. under existing law; thus, S.2146 does not create a new source of liability for the federal government. S.2146 simply provides that if the federal government made the error, the federal government should be the defendant.

We, the law enforcement officers of America, are on the front lines day after day. We know the challenges of apprehending criminals and the difficulties of working with crime victims and witnesses—especially those who may be fearful of local and federal authorities. Based on our collective knowledge and experience, we strongly support the Stop Sanctuary Policies Act (S.2146) and urge the Senate to pass this important legislation.

Sincerely,

NATIONAL SHERIFFS’
ASSOCIATION.
NATIONAL ASSOCIATION OF
POLICE ORGANIZATIONS.
FEDERAL LAW
ENFORCEMENT OFFICERS
ASSOCIATION.

Mr. TOOMEY. Mr. President, let me finish by reminding my colleagues that the vote we are about to have is not actually a vote on this bill in its current form. If Members object to a provision in it or they want to add a provision in it, then, by all means, let’s vote to get on the bill. Let’s open up debate, and we will have amendments, we will have a discussion, and we will have a debate. They are free to attempt to improve this bill and modify this bill, as they see fit.

This vote today is not a final passage vote. It is a vote on whether the issue of sanctuary jurisdictions is important enough to merit the Senate’s consideration.

I was just shocked to hear one of our colleagues describe this bill as a waste of time. Really, a waste of time? That is unbelievable. How could the lives of Kate Steinle and the other victims who have been lost because of this ridiculous policy be a waste of the Senate’s time when the courts are precluding the cooperation between local and Federal law enforcement officials because we have not acted? There is a simple solution. It starts with passing a mo-

tion to proceed so we can get on this bill and hopefully complete it successfully. I think the lives of Kate Steinle and the other victims are not a waste of time. I think we should be addressing this issue. We should be addressing it today.

I urge my colleagues to vote aye so that we can begin considering this very important—and it should be broadly supported—bipartisan piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I would like to urge my colleagues to oppose S. 2146, the Stop Sanctuary Policies and Protect Americans Act.

Hundreds of cities and local jurisdictions across our country have financial, constitutional, and public safety concerns with using scarce local tax dollars to hold immigrants in jail when they otherwise would be entitled to release under the law. These cities and towns are being called sanctuary cities because they have made a local and fact-based choice to keep their communities safe rather than serve as an arm of immigration enforcement.

This bill would create new criminal penalties for undocumented immigrants and make life even harder for them, most of whom are honest, hard-working people, not criminals. The bill also takes severe steps to penalize these sanctuary cities by stripping them of critical community block grants and Federal homeland security and law enforcement funding. While this bill purports to protect our communities, it is strongly opposed by law enforcement, victims’ advocates, and local and State government leaders.

Why do they oppose this bill?

Demonizing our immigrant communities and using them as scapegoats does not make America safer. Decades of research shows the following: that immigrants as a group are not a threat to public safety, that immigrants are less likely to commit serious crimes than the rest of Americans, and that the higher rates of immigration are associated with lower rates of violent crime.

Law enforcement is clear. This bill would limit their ability to keep all people in their communities safe. Good community policy requires collaboration and trust. Our law enforcement officials want to spend their time going after people who truly pose a threat to our safety. This bill would have us spend limited resources pursuing hard-working though undocumented members of their communities with no criminal history. Community law enforcement should not be coerced, because that is what this bill would require. It is a requirement. Community law enforcement should not be coerced into serving as an arm of Federal Immigration and Customs Enforcement. That is what this bill does. Nobody is talking about voluntary collaboration and support for Federal Government

enforcement of laws. Throughout this Congress, my Republican colleagues often rail against the Federal Government telling State and local governments what to do, but now when it comes to something as important as public safety and law enforcement, it is suddenly OK to second guess State and local law enforcement?

Instead of turning hard-working immigrants into bogeymen, we should be focusing on real solutions for violent crime in our communities. If my colleagues who support this bill are serious about addressing violence in America, then they should come to the table to talk about how we can strengthen our laws to keep guns out of the hands of criminals and the mentally ill.

I have been saying, along with many of my colleagues for over a year now, if my Republican colleagues want to discuss immigration reform, we welcome that debate. Everyone agrees our immigration system is broken and needs reform. It has been 28 months since the Senate passed a comprehensive immigration bill that had strong bipartisan support.

Even though it was not perfect from my perspective, we nonetheless worked together to come up with a compromise bill, but House Republicans ducked the issue and refused to take up the immigration reform bill. The Senate comprehensive immigration bill would have reduced the Federal deficit by \$1 trillion in just two decades because of the broad economic benefits immigration reform granted.

It would have protected and united families, strengthened our border security, improved our economy, and encouraged job creation in our country. The Senate's bill would have gotten millions of people out of the shadows, requiring them to pass criminal background checks and earn their path to citizenship. It would have let immigration enforcement officials focus on true security threats to our country.

The Senate's immigration bill included \$46 billion in new resources to help our Border Patrol, Immigration and Customs Enforcement agents. Of this amount, roughly \$30 billion was added to the bill to further secure our borders, but that is not enough for some Republicans. Apparently, some will not be happy until we literally round up every undocumented immigrant—some 11 million of them in our country—and deport them, which would be catastrophic to our economy, not to mention impossible to do. The current sanctuary cities debate is not the first time some have tried to use myths about immigrants to scare Americans. This rhetoric could not be further from the truth about immigrants.

I urge my colleagues to oppose these scare tactics and to vote no on the motion to proceed to S. 2146.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORKER).

STOP SANCTUARY POLICIES AND PROTECT AMERICANS ACT—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 252, S. 2146, a bill to hold sanctuary jurisdictions accountable for defying Federal law, to increase penalties for individuals who illegally reenter the United States after being removed, and to provide liability protection for State and local law enforcement who cooperate with Federal law enforcement and for other purposes.

Mitch McConnell, David Vitter, John Barrasso, Dan Sullivan, David Perdue, Bill Cassidy, Ron Johnson, Steve Daines, James Lankford, James E. Risch, John Boozman, Mike Lee, Richard C. Shelby, John Cornyn, Jeff Sessions, Johnny Isakson, Patrick J. Toomey.

The PRESIDING OFFICER (Mr. PORTMAN). By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2146, a bill to hold sanctuary jurisdictions accountable for defying Federal law, to increase penalties for individuals who illegally reenter the United States after being removed, and to provide liability protection for State and local law enforcement who cooperate with Federal law enforcement and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—54

Alexander	Capito	Cornyn
Ayotte	Cassidy	Cotton
Barrasso	Coats	Crapo
Blunt	Cochran	Cruz
Boozman	Collins	Daines
Burr	Corker	Donnelly

Enzi	Lankford	Rounds
Ernst	Lee	Rubio
Fischer	Manchin	Sasse
Flake	McCain	Scott
Gardner	McConnell	Sessions
Grassley	Moran	Shelby
Hatch	Murkowski	Sullivan
Heller	Paul	Thune
Hoeven	Perdue	Tillis
Inhofe	Portman	Toomey
Isakson	Risch	Vitter
Johnson	Roberts	Wicker

NAYS—45

Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Sanders
Brown	Kirk	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Markey	Stabenow
Casey	McCaskey	Tester
Coons	Menendez	Udall
Durbin	Merkley	Warner
Feinstein	Mikulski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—1

Graham

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Florida.

UNANIMOUS CONSENT REQUEST—S. 1082

Mr. RUBIO. Mr. President, I don't think any of us in any of the 50 States have not had calls from our constituents about the Veterans' Administration. I know that certainly in Florida, I have. We are blessed to have so many people who are either in uniform or have served in uniform.

We make two fundamental promises to the men and women who serve our country. The first is that if we ever put them into hostility, they will be better equipped, better trained, and have more information than their adversaries. I, of course, fear that all three of those promises have eroded.

Here is the second promise we make to them: After they take care of us and they come home, we will take care of them. That is a promise that, sadly, is also not being kept.

There are a lot of different issues we can get into when it comes to veterans and what they are facing in this country, but one that has received a lot of attention is the Veterans' Administration and in particular the role it plays in providing health care for those returning or those who have served our country and have been facing challenges ever since. We have all had the phone calls to our office, and we have seen the media reports about it.

I am proud that last year we were able to pass legislation that gave the Secretary of the VA the ability to fire senior executives who weren't doing their jobs. This is the point—and this is where I always stop and remind everyone there are really good people working in the VA. In fact, the enormous majority of people at the VA are good people who care passionately about our veterans. There are some phenomenal VA facilities in this country, and then there are some facilities